



4191-02U

## SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA-2013-0041]

RIN 0960-AH61

Extension of Expiration Dates for Several Body System Listings

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are extending the expiration dates of the following body systems in the Listing of Impairments (listings) in our regulations: Growth Impairment, Musculoskeletal System, Respiratory System, Cardiovascular System, Digestive System, Skin Disorders, and Neurological. We are making no other revisions to these body systems in this final rule. This extension will ensure that we continue to have the criteria we need to evaluate impairments in the affected body systems at step three of the sequential evaluation processes for initial claims and continuing disability reviews.

DATES: This final rule is effective on [insert date of publication in the FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Cheryl A. Williams, Director, Office of Medical Policy , 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1020. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213, or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

## Background

We use the listings in appendix 1 to subpart P of part 404 of 20 CFR at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability under the title II and title XVI programs.<sup>1</sup> 20 CFR 404.1520(d), 416.920(d). The listings are in two parts: Part A has listings criteria for adults and Part B has listings criteria for children. If you are age 18 or over, we apply the listings criteria in part A when we assess your impairment or combination of impairments. If you are under age 18, we first use the criteria in part B of the listings when we assess your impairment(s). If the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of your impairment(s). 20 CFR 404.1525(b), 416.925(b).

## Explanation of Changes

In this final rule, we are extending the dates on which the listings for seven body systems will no longer be effective as set out in the following chart:

<b>Listing</b>	<b>Current Expiration Date</b>	<b>Extended Expiration Date</b>
Growth Impairment 100.00	July 1, 2014	January 30, 2015
Musculoskeletal System (1.00 and 101.00)	July 1, 2014	July 31, 2015
Respiratory System (3.00 and 103.00)	April 1, 2014	January 30, 2015

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<sup>1</sup> We also use the listings in the sequential evaluation processes we use to determine whether a beneficiary's disability continues. See 20 CFR 404.1594, 416.994, and 416.994a.

Cardiovascular System (4.00 and 104.00)	October 1, 2014	July 31, 2015
Digestive System (5.00 and 105.00)	April 1, 2014	January 30, 2015
Skin Disorders 8.00 and 108.00	April 1, 2014	January 30, 2015
Neurological 11.00 and 111.00	April 1, 2014	July 31, 2015

We continue to revise and update all of the listings on a regular basis, including those body systems not affected by this final rule.<sup>2</sup> We intend to update the seven listings affected by this final rule as quickly as possible, but may not be able to publish final rules revising these listings by the current expiration dates. Therefore, we are extending the expiration dates listed above.

### Regulatory Procedures

### Justification for Final Rule

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in promulgating regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide

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<sup>2</sup> Since we extended the expiration date of some of these listings in June 2012 (77 FR 35264 (2012)), we published final rules revising congenital disorders that affect multiple body systems (78 FR 7659 (2013)), and the revised medical criteria for evaluating visual disorders in the special senses and speech body system (78 FR 18837 (2013)). We also published proposed rules for revised medical criteria for evaluating respiratory system disorders (78 FR 7968 (2013)), revised medical criteria for evaluating genitourinary disorders (78 FR 7695 (2013)), revised listings for growth disorders and weight loss in children (78 FR 30249 (2013)), revised medical criteria for evaluating hematological disorders (78 FR 69324 (2013)), and revised medical criteria for evaluating cancer (78 FR 76508 (2013)). We also have published an advance notice of proposed rulemaking requesting comments on whether and how we should revise the listing criteria for evaluating hearing loss and disturbances of labyrinthine-vestibular function in adults and children (78 FR 53700 (2013)).

prior notice and opportunity for public comment before issuing a final regulation. The APA provides exceptions to the notice-and-comment requirements when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We determined that good cause exists for dispensing with the notice and public comment procedures. 5 U.S.C. 553(b)(B). This final rule only extends the date on which several body system listings will no longer be effective. It makes no substantive changes to our rules. Our current regulations<sup>3</sup> provide that we may extend, revise, or promulgate the body system listings again. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this regulation as a final rule.

In addition, for the reasons cited above, we find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). We are not making any substantive changes to the listings in these body systems. Without an extension of the expiration dates for these listings, we will not have the criteria we need to assess medical impairments in these body systems at step three of the sequential evaluation processes. We therefore find it is in the public interest to make this final rule effective on the publication date.

Executive Order 12866, as Supplemented by Executive Order 13563

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<sup>3</sup> See the first sentence of appendix 1 to 20 CFR part 404, subpart P.

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB did not review it. We also determined that this final rule meets the plain language requirement of Executive Order 12866.

#### Regulatory Flexibility Act

We certify that this final rule does not have a significant economic impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

#### Paperwork Reduction Act

This rule does not create any new or affect any existing collections, and therefore does not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; 96.006, Supplemental Security Income)

#### List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: February 18, 2014

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Carolyn W. Colvin,  
Acting Commissioner of Social Security.

For the reasons set out in the preamble, we are amending appendix 1 to subpart P of part 404 of chapter III of title 20 of the Code of Federal Regulations as set forth below.

#### PART 404--FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

(1950-- )

Subpart P--[Amended]

1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a)-(b) and (d)–(h), 216(i), 221(a), (i), and (j), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a)-(b) and (d)–(h), 416(i), 421(a), (i), and (j), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

2. Amend appendix 1 to subpart P of part 404 by revising items 1, 2, 4, 5, 6, 9, and 12 of the introductory text before Part A to read as follows:

Appendix 1 to Subpart P of Part 404--Listing of Impairments

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1. Growth Impairment (100.00): January 30, 2015.

2. Musculoskeletal System (1.00 and 101.00): July 31, 2015.

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4. Respiratory System (3.00 and 103.00): January 30, 2015.

5. Cardiovascular System (4.00 and 104.00): July 31, 2015.

6. Digestive System (5.00 and 105.00): January 30, 2015

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9. Skin Disorders (8.00 and 108.00): January 30, 2015.

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12. Neurological (11.00 and 111.00): July 31, 2015.

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